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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

JUDY S.,

Plaintiff and Respondent,

v.

PIL LEE ORBISON,

Defendant and Appellant.

A155521

(Contra Costa County
Super. Ct. No. MSN162075)

MEMORANDUM OPINION¹

Pil Lee Orbison appeals in propria persona from an order issuing a modified civil harassment restraining order in favor of respondent Judy S. and denying her request for a civil harassment restraining order against Judy S.²

Much of the historical background to these rulings is set out in our opinion in *Judy S. v. Orbison* (Jan. 30, 2018) A150160 [nonpub. opn.]), which affirmed a civil harassment restraining order to expire in December 2021. The order restrains Orbison from contacting, molesting, or disturbing the peace of Judy S. and her son; directs her to stay at least 100 yards away from them and their homes, workplaces and school with specific exceptions for public meetings and court appearances; and prohibits her from

¹ We resolve this case by a memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1.

² We refer to respondent by her initials to protect her personal privacy. (Cal. Rules of Court, rule 8.90(b)(5).)

impersonating Judy S. and posting false statements or threats directed at her on any social media.

In September 2018 Judy S. reported that Orbison had violated the restraining order in numerous ways, including filing false change of address forms from Judy S.'s address, harassing her at a local coffee shop, and photographing and possibly videotaping her and her son at a local tennis court. Supported by the Hercules police department and district attorney's office, Judy S. asked the court to modify the restraining order to clarify its scope and requirements.

On September 25, 2018, following two hearings, the trial court modified the restraining order to (1) clarify there are no exceptions to the 100 yard stay-away order except for certain court hearings and public meetings subject to the Brown Act; (2) prohibit Orbison from filing any change of address that included the protected parties' names or addresses; and (3) restrain her from publishing the protected parties' cell phone numbers, DMV license numbers, social security numbers, and dates of birth. The court denied Orbison's cross-request for a restraining order against Judy S., filed on July 11, 2018, because Orbison had failed to comply with the vexatious litigant prefiling requirements.

Orbison filed a timely notice of appeal. After this court twice rejected her opening briefs that failed to comply with state and local rules of court, Orbison filed her opening brief on June 14, 2019. We deemed the appeal fully briefed after Judy S. declined to file a respondent's brief within the permitted time.

DISCUSSION

Orbison's opening brief consists in large part of disconnected and frequently difficult to follow versions of the underlying events, mostly untethered to citations to the record. The brief expresses Orbison's views, unsubstantiated in the record, that various trial court judges are prejudiced against her; the City of Hercules, its mayor, and Judy S. are embezzling millions of dollars from Orbison's nonprofit business; and that Judy S. intercepted and tampered with her mail, stalked and harassed her, filed fraudulent court documents, and conspired to take over Orbison's business by having her arrested,

incarcerated and subjected to the “counterfeit” restraining order. Orbison also asserts product recall notices were stolen from her mailbox, resulting in a house fire caused by a faulty microwave oven, and that Judy S. misappropriated her private information to thwart her fee waiver application in this court.³

Legally, Orbison seems to assert she was not properly served with five volumes of court files before the September 25, 2018 hearing; the amended restraining order violates her due process rights; her request for a restraining order against Judy S. was not subject to vexatious litigant prefiling requirements; and that Judy S. committed copyright infringement and interfered with Orbison’s economic relationship with the city of Hercules.

Almost none of Orbison’s factual assertions are supported by citations to the volume and page in the record where the matter appears, which is both necessary for this court to conduct a meaningful review and mandatory under rule 8.204(a)(1)(C) of the California Rules of Court. Orbison’s brief also lacks minimally adequate legal argument. It is the appellant’s duty to show that error occurred by argument and citation to the record. (*Sprague v. Equifax, Inc.* (1985) 166 Cal.App.3d 1012, 1050.) “[F]ailure of an appellant in a civil action to articulate any pertinent or intelligible legal argument in an opening brief may, in the discretion of the court, be deemed an abandonment of the appeal justifying dismissal. (*Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1119 (*Berger*); *In re Conservatorship of Ben C.* (2007) 40 Cal.4th 529, 544; *Elsheref v. Applied Materials, Inc.* (2014) 223 Cal.App.4th 451, 461.) An appellate court is not required to consider alleged error “where the appellant merely complains of it without pertinent argument.” (*Berger, supra*, 163 Cal.App.3d at p. 1119.) Since the issues raised in Orbison’s opening brief are not properly or sufficiently developed to be cognizable and her brief does not conform to appellate court rules, we decline to consider them, and they are forfeited. (See *id.* at p. 1120 & fn. 7.)

³ This is a representative, but not exhaustive, list of Orbison’s factual claims.

We are sympathetic to the fact that Orbison is representing herself without the benefit of an attorney, but her status as a self-represented litigant does not exempt her from the rules of appellate procedure or relieve her obligation to present intelligible argument supported by the record and legal authority. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246-1247.) Orbison has failed to identify any theory of error or present any relevant argument, so we deem her appeal abandoned.

DISPOSITION

The appeal is dismissed.

Siggins. P. J.

WE CONCUR:

Fujisaki, J.

Wick, J.*

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* Judge of the Superior Court of Sonoma County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.